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**PATENT**  
P-5222

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Klaus W. Berndt

SERIAL NO.: 09/753,197 GROUP: 2827

FILING DATE: January 2, 2001 EXAMINER: M. Tremblay

FOR: Apparatus for Measuring the Volume of Individual  
Red Blood Cells

The Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST  
CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF  
PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231

ON: June 12, 2003 (DATE OF DEPOSIT)

BY: Nicole M. Vitole (NAME OF DEPOSITOR)

Nicole Vitole 6/12/03 (DATE)

**AMENDMENT**

In response to the Office Action dated March 12, 2003, Applicants respectfully  
request entry of the present Amendment.

**REMARKS**

Claims 1-9 are in the present application.

The Examiner has provisionally rejected Claims 1-9 under the judicially-created  
doctrine of obviousness-type double patenting as allegedly rendered unpatentable by  
Claims 1-9 of copending U.S. Serial No. 09/752,984. Applicant encloses herewith a  
Terminal Disclaimer with respect to U.S. Serial No. 09/752,984. Accordingly, withdrawal  
of this rejection is respectfully requested.